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AUG 28 2014

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY Andre' Don Savage
DEPUTY CLERK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
DIVISION

(Name of plaintiff or plaintiffs)

v.

Texas Workforce Commission (TWC)

and Robert Von Quintus Director IT

and Joel Arevalo Manager IT

(Name of defendant or defendants)

A14CV0824 LY

Civil Action Number:

(Case Number to be supplied
by the Intake Clerk)

COMPLAINT

1. This action is brought by Andre' Don Savage, Plaintiff, pursuant to the following selected jurisdiction:

(Please select the applicable jurisdiction)

- ☒ Title VII of the Civil Rights Act of 1964 (42 USC §§ 2000e et seq.) Employment Discrimination on the basis of race, color, sex (gender, pregnancy and sexual harassment), religion or national origin.
- ☐ The Age Discrimination in Employment Act (29 USC §§ 621 et seq.) (ADEA).
- ☒ The Americans With Disabilities Act (42 USC §§ 12102 et seq.) (ADA).
- ☐ The Equal Pay Act (29 USC § 206(d)) (EPA).
- ☐ The Rehabilitation Act of 1973 (29 USC § 791 et seq.) (Applicable to federal employees only).

2. Defendant TWC/Robert Von Quintus/ Joel Arevalo (Defendant's name) lives at, or its business is located at 101 East 15th Street (street address), Austin (city), Texas (state), 78778 (zip).

- 3a. Plaintiff sought employment from the defendant or was employed by the defendant at 101 East 15th Street (street address), Austin (city), Texas (state), 78778 (zip).

- 3b. At all relevant times of claim of discrimination, Defendant employed 500 (#) employees. If defendant is a union, at all relevant times of claim of discrimination, Defendant had (#) members.

4. Defendant discriminated against plaintiff in the manner indicated in paragraph 8 of this complaint on or about September (month) 10 (day) 2013 (year). If incidents of discrimination occurred more than one day, please indicate the beginning and ending dates of such acts: April 2012, November 12, 2012, April 4, 2013 through termination on September 30, 2013.

5. Plaintiff filed charges against the defendant with the Equal Employment Opportunity Commission (E.E.O.C.) charging defendant with the acts of discrimination indicated in paragraph 7 of this complaint on or about October (month) 15 (day) 2013 (year). (Not applicable to federal civil service employees).

- 6a. The E.E.O.C. issued a **Notice of Right to Sue** which was received by plaintiff on May (month) 30 (day) 2014 (year). (Not applicable to ADEA and EPA claims or federal civil service employees).

VERY IMPORTANT NOTE: PLEASE ATTACH A COPY OF YOUR NOTICE OF RIGHT TO SUE AND THE ENVELOPE IN WHICH IT WAS RECEIVED TO THIS COMPLAINT.

- 6b. Please indicate below if the E.E.O.C issued a **Determination** in your case:

☐ Yes
☒ No

VERY IMPORTANT NOTE: IF YOU CHECKED "YES", PLEASE ATTACH A COPY OF THE E.E.O.C.'S DETERMINATION TO THIS COMPLAINT

7. Because of plaintiff's:

(Please select the applicable allegation(s))

- ☒ Race (If applicable, state race) Black
- ☐ Color (If applicable, state color) _____
- ☐ Sex (gender, pregnancy or sexual harassment) (If applicable, state sex and claim) _____
- ☐ Religion (If applicable, state religion) _____
- ☐ National Origin (If applicable, state national origin) _____
- ☐ Age (If applicable, state date of birth) _____
- ☒ Disability (If applicable, state disability) Chronic Back Pain, Episodic Flare-ups requiring intermittent leave

- ☐ Prior complaint of discrimination or opposition to acts of discrimination.
(Retaliation) (If applicable, explain events of retaliation) _____

The defendant: (please select all that apply)

- ☐ failed to employ plaintiff.
- ☒ terminated plaintiff's employment.
- ☐ failed to promote plaintiff.
- ☐ harassed plaintiff.
- ☐ other (specify) _____

- 8a. State **specifically** the circumstances under which defendant, its agent, or employees discriminated against plaintiff **PERSONALLY**:

VERY IMPORTANT NOTE: INCLUDE SPECIFIC DATES, SPECIFIC EVENTS, AND ANY SPECIFIC COMMENTS MADE BY DEFENDANT PERTAINING TO THE DISCRIMINATION CLAIM ALLEGED ABOVE.

In April 2012, my supervisor, yelled and spit on me. I went to the Human Resources department and filed a complaint with Mary Cook, she suggested that we attend counseling. I attended three sessions and the supervisor didn't attend any.

November 2012, I was accused of being angry and aggressive by a hearing impaired co-worker who was actually aggressive toward me and others in my area. I was given a written warning but I was not given an opportunity to discuss the issues with my supervisor.

April 4, 2013, I was accused of being aggressive by the lead team member and it was found through a grievance hearing that I was not the only one but I was placed on 90 day probation the other employee was verbally counseled.

September 10, 2013, I was accused of being angry and aggressive toward an employee in the TWC parking garage and I was fired by my manager based on her accusations without an opportunity to present my side of the story.

- 8b. List any **witnesses** who would testify for plaintiff to support plaintiff's allegations and the substance of their testimony:

Captain Beckman of Security can testify that I did not behave in an angry and aggressive manner during the incident that occurred on September 10, 2013, that led to the wrongful termination of my employment. Captain Beckman testified

during my appeal for unemployment benefits. Hearing Officer Klotz issued a decision to approve my application for unemployment benefits but I did not get my job back.

- 8c. List any **documentation** that would support plaintiff's allegations and explain what the documents will prove:

Page No: 5 Texas Workforce Commission Appeal Tribunal Decision Appeal No: 1784557-1-3 this page proves that I was wrongly terminated.

9. The above acts or omissions set forth in paragraphs 7 and 8 are:

- ☐ still being committed by defendant.
☐ no longer being committed by defendant.

10. Plaintiff should attach to this complaint a copy of the charge filed with the Equal Employment Opportunity Commission. This charge is submitted as a brief statement of the facts supporting this complaint.

WHEREFORE, plaintiff prays that the Court grant the following relief to the plaintiff:

- ☐ Defendant be directed to employ plaintiff.
☒ Defendant be directed to re-employ plaintiff.
☐ Defendant be directed to promote plaintiff.
☒ Defendant be directed to I want a job with the Texas Workforce Commission comparable to the job, I was wrongfully
terminated from October 1, 2013. I want the salary I was denied due to wrongful termination,

_____, and that the Court grant
such other relief as may be appropriate, including injunctive orders, damages, costs and
attorney's fees.

I declare (or certify, verify, or state) under penalty
of perjury that the foregoing is true and correct.

August 25, 2014

Date

Andre' Don Savage

Signature of Plaintiff

3300 Manor Road #140

Address of Plaintiff

Austin

City

Texas

State

78723

Zip Code

512 299-6643

Telephone Number(s)